

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

**PETITION FOR CONFIDENTIAL PROTECTION)
OF LG&E ENERGY SERVICES, INC., LOUISVILLE)
GAS AND ELECTRIC COMPANY, AND)
KENTUCKY UTILITIES COMPANY)**

CASE NO. 2004-104

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**PETITION OF LG&E ENERGY SERVICES, INC.,
LOUISVILLE GAS AND ELECTRIC COMPANY,
AND KENTUCKY UTILITIES COMPANY
FOR CONFIDENTIAL PROTECTION**

JUN 8 2004

**PUBLIC SERVICE
COMMISSION**

LG&E Energy Services, Inc. ("Servco"), Louisville Gas and Electric Company ("LG&E"), and Kentucky Utilities Company ("KU") jointly petition the Kentucky Public Service Commission ("Commission") pursuant to 807 KAR 5:001, Section 7 and KRS 61.878(1)(a) and (c)(1) to grant confidential protection to information relating to the compensation paid to certain employees, which information is being provided pursuant to the Commission's Orders in Case Nos. 10296, 89-374, 97-300, 2000-095, and 2001-104. In support of this Petition, Servco, LG&E, and KU state as follows:

1. In accordance with the Commission's Orders in Case Nos. 10296, 89-374, 97-300, 2000-095, 2001-104, Servco, LG&E, and KU are filing a *General Description and Schedule of Professional Personnel Transferred among Entities* ("Report") which identifies professional personnel transferred among the entities and includes selected payroll information.

2. The Kentucky Open Records Act exempts from disclosure certain information of a personal nature. KRS 61.878(1)(a). The Commission should accord confidential treatment to the payroll information provided in the Report, because its disclosure would invade the rights of privacy of the individuals involved and because its disclosure would permit an unfair

commercial advantage to competitors of LG&E. The compensation of the individuals, which is not otherwise publicly reported, is personal and private information that should not be in the public realm. Clearly, the individual employees have the expectation that Servco, LG&E, and KU will maintain the confidentiality of their compensation information. Disclosure of such sensitive personal information would constitute an unwarranted invasion of personal privacy in contravention of KRS 61.878(1)(a). In addition, the information could place Servco, LG&E, and KU at a competitive disadvantage in attracting personnel at fair market value versus those companies that are not required to reveal publicly the compensation of their employees. KRS 61.878(1)(c)(1) protects such information from disclosure.

3. The information for which Servco, LG&E, and KU are seeking confidential treatment is not known outside of the Company, and it is not disseminated within Servco, LG&E, and KU except to those employees with a legitimate business need to know the information, such as employees within the Human Resources department.

4. This information for which Servco, LG&E, and KU seek confidential protection is similar to that provided to, and protected by, the Commission in the past. See *In the Matter of: Application of Louisville Gas and Electric Company for an Order Approving an Agreement and Plan of Exchange and to Carry Out Certain Transactions in Connection Therewith*, Case No. 89-374, Order of May 3, 1993. The Commission has expressly recognized that a utility “is not a public agency and that its records are not public records required to be disclosed pursuant to KRS 61.870 to 61.884. Rather, [a utility] is a private entity whose records are filed with the Commission in conjunction with the regulation of its business as a utility pursuant to KRS Chapter 278.” *In the Matter of: An Investigation of Louisville Gas and Electric Company’s Prepaid Gas and Electric Service*, Case No. 2002-00232, Order of October 17, 2002, p. 2.

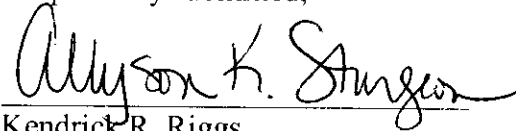
Further, the Commission has noted that “few things in our society are deemed of a more intimate nature than one’s income. This information is commonly treated circumspectly.” Id. at p. 3 (citing Zink v. Commonwealth of Kentucky, Dept. of Workers Claims, Ky.App., 902 S.W.2d 825, 829 (1994)).

5. In accordance with the provisions of 807 KAR 5:001 Section 7, one copy of the Report with the confidential information highlighted and ten (10) copies of the Report without the confidential information are herewith filed with the Commission.

WHEREFORE, LG&E Energy Services, Inc., Louisville Gas and Electric Company, Kentucky Utilities Company respectfully request that the Commission grant confidential protection, or in the alternative, schedule an evidentiary hearing on all factual issues.

Dated: June 2, 2004

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on the following persons on the 2nd day of June 2004, United States mail, postage prepaid:

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Kentucky Utilities Company

LG&E Energy LLC (successor to LG&E Energy Corp)
LG&E Energy Services, Inc.
Louisville Gas and Electric Company
Kentucky Utilities Company

General Description and Schedule of Professional Personnel Transferred among Entities
Filed pursuant to KPSC Orders in Case No. 10296, 89-374, 97-300, 2000-095, and 2001-104

Name	Old Entity ¹		New Entity ¹	New Job Title	Effective Date		Annual Rate
	LG&E	LG&E			Date		
Bielefeld, Dale R	LG&E		SERVCO	Manager Residential Service	2003-03-03		
Denning, Steve P	LG&E		SERVCO	Group Leader Engineering & Administration	2003-09-01		
Guy, Charles David	LG&E		SERVCO	Manager System Restoration & Disp Operations	2003-08-18		
Hundley, Karen Leann	KU		SERVCO	Supplier Diversity Manager	2003-03-03		
Jeffers, William Kevin	KU		SERVCO	Senior Engineer	2003-09-08		
Malloy, John P	LG&E		SERVCO	Director Generation Services	2003-07-21		
McIntire, Frank Allen	LG&E		SERVCO	System Administrator-Gemini	2003-03-03		
Menkir, Tsion B	LG&E		SERVCO	Engineer II	2003-03-31		
Schooler, Judy A	LG&E		SERVCO	Senior Secretary	2003-10-13		
Staton, Edwin R	LG&E		SERVCO	Director Distribution Operations	2003-08-18		
Voyles, John N	LG&E		SERVCO	Director Generation Services	2003-02-10		
Wilson, Daniel H	LG&E		SERVCO	Manager Generation Engineering	2003-09-01		
Zwanzig, Darrell W	LG&E		SERVCO	System Administrator-Gemini	2003-01-06		

Note(s):

1.- Key to Abbreviations

SERVCO = LG&E Energy Services, Inc.
LG&E = Louisville Gas and Electric Company
KU = Kentucky Utilities Company